United Nations S/2003/316

Security Council

Distr.: General
14 March 2003

Original: English

Letter dated 12 March 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a statement made on 11 March 2003 to Parliament by the Hon. Amama Mbabazi, Minister of Defence of the Republic of Uganda, on the situation in Ituri, Democratic Republic of the Congo (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Semakula **Kiwanuka**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations

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Annex to the letter dated 12 March 2003 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Statement to Parliament by the Honourable Amama Mbabazi, M.P., and Minister of Defence on the situation in Ituri, 11 March 2003

1. Introduction

When Uganda signed the Lusaka Ceasefire Agreement in July 1999 after protracted negotiations, we were confident then, as we are now, that it answers the internal dimension to the conflict which is being addressed through the inter-Congolese dialogue and the external dimension to the conflict which Uganda also addressed through our own efforts of defeating armed terrorists who had been operating from the Congo and the United Nations-supported programme of disarmament, demobilization, resettlement and reintegration of these terrorists. Uganda was the first country to radically implement its obligations under Lusaka by, among other things, unilaterally withdrawing most of its units from the Congo.

Before the total withdrawal of the Uganda People's Defence Force (UPDF), the United Nations requested Uganda to maintain a force in Bunia for some time to avoid genocide, which was about to take place there.

It is against this background that the Luanda Agreement signed in September 2002 between President Kabila and President Museveni facilitated by President Dos Santos was signed, providing a legal basis for UPDF to stay in the Democratic Republic of the Congo to ensure security for the people of Ituri and the completion of work of the Ituri pacification before its total withdrawal.

2. Background to the Hema-Lendu conflict

Whereas our investigations so far point to the conflict between the two communities having started in 1911 and continued in 1965, 1967, 1979, 1981 and 1992, the fighting which started in Ndjugu in April 1999 has its seeds in the land law and corrupt legal system of land administration in the Congo.

According to that law, on the expiry of two years after an application of registered interest in land has been lodged with the Registrar, without any other claimant challenging such application, the interest of the applicant is automatically registered and the applicant gets title for it.

In 1996, three prominent and rich Hema landlords applied for land from the Land Board in Kisangani, which was occupied by Lendus on customary tenure basis.

The three Hemas, namely, the Singa-Kodjo, Lobo Tsoro and Savo families, had already acquired large land concessions from the Belgian Administration.

In April 1999, the three were granted leases by the Land Supervisor and started evicting Lendus who had occupied the same land from time immemorial and who were not aware of the application or grant of the said title. This led to intense fighting between the two communities with very heavy loss of lives and destruction of property.

Other factors which delayed the immediate resolution of the conflict include:

(a) A rebellion, which was overwhelmed by the magnitude of the problem and bearing in mind the size of the Congo and absence of infrastructure in the country, failed to solve the problem politically by mobilizing the population to address their land grievances when law and order returns to the Congo.

(b) Unfortunately, mistakes were made by some of our commanders who, acting in ignorance of the history of the problem, and ill-trained in the administration of justice, were used by some groups against others and failed to execute their mission in an impartial manner.

A number of community leaders have since established links with us and when our investigations are complete, disciplinary action will be taken against any officer implicated in this.

(c) The failure of the United Nations and the international community to either provide an effective force to protect the people and disarm the militias or give Uganda the mandate to do so beyond the one battalion which was guarding Bunia airport. Uganda was being criticized for staying in the Congo and condemned for proposing to withdraw from the Congo.

(d) The Kinshasa Government, especially under the late President Kabila, which sought to use the grievances of the Lendus as a destabilizing force against Uganda's presence in eastern Congo by arming them, and Lendus who lacked military leadership and turned their newly acquired arms against innocent civilians indiscriminately in all the 18 communities of Ituri, leading to generalized instability.

(e) Due to the attacks by the Lendu combatants and with the withdrawal of UPDF from all the territories of Ituri except Bunia town, some Hema leaders came to Uganda in search of arms to use in intertribal war. Uganda refused to arm them on a sectarian basis as we could not guarantee the proper use of those arms.

Those leaders went to another country, which armed them.

Initially we understood the reason behind these Hema moves of self-defence but the Uganda People's Congress (UPC) leadership, which has been in charge of Ituri for the last eight months (mainly from the Gegere, a Hema subgroup), started a programme of using their newly acquired arms to conquer other tribes, and it has been reluctant to accept the Ituri pacification programme. UPC has also been used by other forces interested in undermining the Lusaka and Luanda agreements on the Democratic Republic of the Congo and to threaten the security of Uganda.

A disagreement emerged within UPC on the number and type of weapons received. The country which gave them weapons delivered more than what they had asked for and the type of weapons received included anti-aircraft systems, anti-tank and anti-personnel mines, heavy artillery and air defence systems which could neither be for self-defence against Lendus or for an intertribal conflict.

3. Steps taken by Uganda

Uganda has taken deliberate steps to implement the Luanda Agreement by:

(a) Facilitating a tripartite meeting involving ministers from the Government of the Democratic Republic of the Congo, with Thomas Lubanga on the need for the

Ituri Pacification Commission (IPC) as the best platform to address security issues in Ituri, especially to address the complaint by UPC that the Government of the Democratic Republic of the Congo was still arming the Lendu;

(b) Raising the question of secret airdropping of arms contrary to the spirit of the Lusaka and Luanda agreements with relevant regional leaders and the signatories of the Lusaka Agreement;

(c) Facilitating a meeting between Thomas Lubanga of UPC and Mbusa Nyamwisi of the Rassemblement congolais pour la démocratie — Mouvement de libération (RCD-ML) attended by an observer from the Government of the Democratic Republic of the Congo in which the two forces ceased hostilities as a way of setting the IPC forward by signing the Kampala Understanding on 15 November 2002;

(d) Facilitating various meetings in Uganda between Thomas Lubanga of UPC and Lendu leaders in which the Lendus agreed to cease hostilities, start joint patrols and start IPC. Unfortunately Lubanga's group refused to sign the Arusha Agreement and take steps to launch IPC;

(e) Arranging in Dar es Salaam a meeting between President Kabila and Chief Kahwa (then belonging to UPC) with a view to removing all the obstacles to the Ituri Pacification Commission;

(f) Sending many special delegations to Bunia to engage the UPC leadership on the dangers of using the gun to conquer other tribes which have accepted dialogue.

On 7 and 8 February 2003, the UPDF High Command, after reviewing the security situation in the country and the region, advised the President to seek a no-objection from President Kabila to the extension of the mission of UPDF in the Congo to include taking all necessary measures to enable Ituri pacification to take place, leading to the withdrawal of UPDF from the Congo.

4. Luanda Agreement reviewed

On 9 and 10 February 2003, the President of Uganda met with the President of the Democratic Republic of the Congo, with Angola represented by Minister of External Affairs Miranda, at a meeting hosted by President Mpaka, in which the Presidents agreed to establish a new framework for the Ituri Pacification Commission, a new calendar beginning on 17 February 2003, to be followed by the withdrawal of UPDF from Bunia by 20 March 2003 when, it was planned, IPC would have completed its work.

Their Excellencies condemned those who continue to supply weapons to armed factions in the Ituri region, resulting in the escalation of violence and human suffering, and also agreed to a ministerial level meeting on the implementation of what had been agreed upon, to be held on 14 February 2003 in Luanda. At the Dar es Salaam meeting, UPC was represented by Mr. Lubanga, who agreed to all the proceedings and resolutions.

At the 14 February 2003 meeting in Angola, Uganda was represented by the Hon. Col. Otafiire and the Hon. Col. Mayombo and attended by all the signatories to the Luanda Agreement, including MONUC. It was agreed, among other things, that Uganda would provide security for all activities of the Ituri Pacification Preparatory

Committee and the Ituri Pacification Commission, from 17 February to 20 March 2003.

The meeting also put in place the formula for representation to IPC, to include notables, the business community, civil society, traditional chiefs, interest groups and military forces.

It furthermore put in place a mechanism for considering the political aspirations of the protagonists in Ituri through the Special Envoy of the Secretary-General of the United Nations for the Inter-Congolese Dialogue.

The UPC leadership was immediately briefed by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and Uganda on the outcome of the Luanda meeting and Uganda appointed Brig. Kale Kaihura Chief Political Commissar, UPDF, and Maj. Muhoozi the Commanding Officer of the 53rd Battalion in Bunia, to represent it on the Ituri Pacification Preparatory Committee.

Immediately after the Luanda meeting, UPC issued a statement condemning MONUC and the United Nations for being partial, Uganda for being against pacification and the Kinshasa Government for continuing war in Ituri.

5. Action by UPC since the Luanda meeting of 14 February 2003

(a) Changed the programme of the Ituri Pacification Preparatory Committee from 17 February 2003 to 3 March 2003 without any satisfactory reason.

(b) Has been broadcasting anti-Uganda, anti-MONUC and anti-Government of the Democratic Republic of the Congo propaganda on the *Bunia Radio*.

(c) Rejected the formula agreed to in Luanda of representation on the Ituri Pacification Preparatory Committee.

(d) Started a parallel Ituri Pacification Commission excluding other dominant and armed factions in Ituri.

(e) Accused Uganda, without any evidence, of responsibility for arming Lendus and massacring people in Bogoro when UPDF had no forces there.

(f) On 24 February 2003, after it informed Gen. Diallo, the MONUC Commander, that IPC was a non-starter, Gen. Diallo's plane was shot at in territory controlled by UPC.

(g) Forcing at gunpoint *Voice of America* journalist Mike Alelenge to broadcast a story that Brig. Kale had been taken hostage in order to force UPDF out of Bunia. This was done by UPC Ministers Rafiki and Beiza.

(h) Falsely alleging that UPDF had killed two UPC soldiers and rejecting an investigation of the matter when [it was revealed that] the soldiers had died in an area occupied by UPC.

6. Events leading to the clash on 6 March 2003

(a) On 1 March 2003, UPDF received intelligence that UPC was purchasing food from Goma and Bunia town and stockpiling supplies for a long war with UPDF.

(b) On 3 March 2003, UPC took a UPDF Information Operations Capt. Birungi hostage till UPDF left Bunia. He was later released after UPDF intervened.

(c) On 4 March 2003, UPC gave UPDF an ultimatum to leave Bunia town or else be attacked by UPC. UPDF withdrew from the detachment of Yambio and police headquarters in town to avoid the conflict.

(d) In a letter dated 4 March 2003 from Brig. Kale to Thomas Lubanga of UPC, copied to MONUC, Brig. Kale raised five points of concern to UPDF, which included UPC laying ambushes on the Bunia airport road against UPDF soldiers; sniping at UPDF soldiers at water points; deploying in areas controlled by UPDF; verbal abuse; and other provocative attacks against UPDF, and requested him to put an end to this peacefully.

(e) On 5 March 2003, UPDF received confirmatory intelligence from a UPC defector and Chief of Military Intelligence Commander Ali of UPC plans, encouraged by a foreign country, to attack UPDF positions at Dele and the airport. The source had been at the meeting where the orders had been given.

Furthermore, UPC had been promised reinforcements from that foreign country through the airfields of Mongwalu, Irumu, Bambu and Bule.

The plan included the simultaneous launching of 1,600 Ugandan dissidents under Lt. Cols. Mande and Kyakabaale and Col. Muzoora, who had been reorganizing from Ituri, with the knowledge of UPC, into Uganda from the Aboro hills near Fataki north-east of Bunia town.

We shared this intelligence with MONUC and some friendly foreign Governments.

7. Attack on UPDF positions

(a) On 6 March 2003, at about 0715 Uganda time, UPC forces attacked a UPDF detachment at Dele and the airport position using mortars and heavy weapons. UPDF repulsed them and went ahead to capture the whole of Bunia town. The main UPC force withdrew northwards to Nizi and in the direction of Fataki and Mungbwalu. Other forces which had been at camp Ndruma withdrew southwards and reorganized at Nyakunde. UPC has been waiting for reinforcements by air at the Bule Mungbwalu and Irumu airfields.

(b) During the initial shelling, one UPDF soldier died and 14 were injured. Two soldiers died later as a result of injuries. There were 17 UPC soldiers counted dead and many UPC casualties, and UPDF captured a lot of arms and ammunition that had been recently supplied. These include many anti-tank and anti-personnel mines.

(c) There was no damage to property during the fighting as only light weapons had been used in town. However, one building belonging to an individual named Piero, which was said to have been storing fuel, caught fire. Another building, belonging to Tibasiima, which had been used as a mortar position to shell UPDF positions, was damaged during neutralizing fire.

(d) There was isolated looting by Lendu militias who took advantage of the fighting. The situation was immediately put under control by UPDF and many properties were returned to their owners.

(e) Five civilians died and 40 were injured.

(f) Concurrently with the above, there were disagreements within Lubanga's group. On 1 March 2003, there was a mutiny led by Commander Jerome Kakawavu Bakande, Sector Commander based in Aru. His area of responsibility extended to Aliwara. Commander Jerome cited the following for his action:

(i) The UPC movement under Lubanga was an obstacle to the process of pacification of the Ituri region and the unification of the Democratic Republic of the Congo in general;

(ii) UPC was continuously practising tribalism, nepotism, selfishness, favouritism and non-transparency, an indication that the movement was not prepared to cooperate in the 3 March 2003 scheduled agreement for the control of Ituri.

Proposed course of action

1. The Government of Uganda has decided to:

(a) Deploy adequate forces to stabilize the whole of Bunia town and the environs;

(b) Secure roads to Bunia to ensure the supply of food to the town;

(c) Contact and facilitate humanitarian agencies for the distribution of medicine and food to the population;

(d) Make urgent preparations with MONUC to start the Ituri Pacification Commission to fill the political vacuum by an agreeable and all-inclusive administration.

As soon as this is implemented, UPDF will withdraw all its troops from Congo and hand over Ituri to the transitional Government of the Congo.

Interahamwe/Ex-FAR/ALIR/Mai Mai links

Uganda would like to put on record that it has never organized or had plans to organize in Uganda or anywhere in the area it controls in the Congo, Interahamwe, Ex-FAR, Army for the Liberation of Rwanda (ALIR) or Mai Mai with the intention of attacking or conducting a proxy war against Rwanda, as is persistently being claimed in the Rwanda media. There is a reliable and credible mechanism to investigate these allegations, ably chaired by the Rt. Hon. Claire Short on behalf of Her Majesty's Government of the United Kingdom.

Uganda supports and shall strictly adhere to the London Understanding in its relations with Rwanda and to the Lusaka and Luanda agreements in its relations with the Democratic Republic of the Congo.